

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

John B. Duffy,

Plaintiff,

v.

Civ. No. 05-2638 (JNE/AJB)  
ORDER

Jo Anne B. Barnhart,  
Commissioner of Social Security,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Arthur J. Boylan, United States Magistrate Judge, on September 29, 2006. The magistrate judge recommended that Plaintiff's Motion for Summary Judgment be denied and that Defendant's Motion for Summary Judgment be granted. Plaintiff objected, and Defendant responded. Based on a de novo review of the record, the Court concludes that the magistrate judge properly credited the testimony of Plaintiff's treating physicians and gave careful consideration to the record, including the extent to which Plaintiff's subjective complaints were consistent with objective evidence. Accordingly, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's Motion for Summary Judgment [Docket No. 10] is DENIED.
2. Defendant's Motion for Summary Judgment [Docket No. 12] is GRANTED.
3. This case is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 24, 2006

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge